

# **Labor Management Relations Quarterly Meeting**

Washington, D.C.  
August 27-29, 1996

## **Participants:**

### **MANAGEMENT**

Ron Thompson  
Joe Chapin  
Regina Sullivan  
Yvonne Hinkson  
Phillis Morgan  
Jim Foley  
John Fox  
Julie Price

### **UNION**

Joe Jarvis  
Charlotte Bowden  
Freddy Hernandez  
Ron Melton  
Manny Borquez  
Don Haywood  
Earl Elliott  
Mark Sewak  
Gilbert Hall

### **Subject Matter Experts:**

Don Romine  
John Hemphill  
Subash Duggirala  
Dan Joslin  
Lee Lofthus

The following policies were negotiated:

- ◆ Use of Force and Application of Restraints on Inmates  
(P.S. 5566.05)
- ◆ After-Action Reporting and Review  
(P.S. 5568.04)
- ◆ Firearms and Badges  
(P.S. 5558.12)
- ◆ Internal Affairs, Office of  
(P.S. 1210.11)

- ◆ Drug Free Workplace  
(P.S. 3735.03)
- ◆ National Practitioner Data Bank  
(P.S. 6020.01) [tabled until next quarterly meeting]
- ◆ Standards of Employee Conduct  
(P.S. 3420.08)

The following issues were discussed:

Issue: **Beepers**

Discussion: Mr. Hall articulated the Union's position that off-duty employees should be compensated if they are required to wear beepers. Examples were cited of SORT members, locksmiths, and other employees whose activities are restricted during their on-call status (e.g., prohibitions against drinking alcoholic beverages and/or traveling beyond a certain radius of institution grounds). Mr. Chapin responded by explaining the difference, as outlined in the Code of Federal Regulations (5 CFR 551.431), between on-call status and standby duty. As current Bureau practices regarding the wearing of beepers fail to meet the necessary criteria for standby duty pay, employees who wear beepers are not eligible for compensation. Rather, they are on-call during these off-duty hours, and, while this status allows for certain restrictions to be placed on their activities, it does not permit them to be compensated. After further discussion, Mr. Hall voiced the Union's support for Management's right to recall off-duty employees but suggested that the Union is primarily concerned with the restrictions being placed on those employees carrying beepers.

Action: The Union will provide specific examples to Mr. Chapin regarding restrictions being placed on beeper-wearing employees at particular institutions.

Issue: **Government Visa Cards**

Discussion: Mr. Jarvis explained that some staff are being issued government Visa cards without requesting to participate in the Visa card program or receiving the required training. Mr. Chapin described the basic objectives of the program and explained that employees are given this purchasing responsibility as a work

assignment, not by request. Mr. Jarvis questioned the legality of compelling individuals to order credit cards in their own names, with the attendant possibility that inadvertent errors regarding payment may appear on their personal credit reports. Mr. Lofthus then explained the delegation of authority inherent in the program, stressed the importance of the training requirement, and assured the Union participants that financial activity related to government Visa card transactions would not be reflected in cardholders' personal credit histories.

Action: Management will issue an EMS to the field emphasizing the training requirement and explaining that the policy's reference to "requesting" a Visa card does not imply that participation in the program is voluntary.

**Issue: Documentation Requests for Background Investigations**

Discussion: Mr. Jarvis explained that some staff members are being required to use annual leave in order to gather documentation necessary for the completion of five-year background investigations. An example was raised of an employee at one institution who was required to use leave in order to drive to another area to retrieve documents requested by the investigator. The management officials then asked for more specific information regarding the context of this request.

Action: Mr. Jarvis will submit information on the aforementioned example to Mr. Chapin who will investigate the matter further.

**Issue: Overtime Cap**

Discussion: Mr. Melton stated that, with respect to the former overtime pay cap problem, overtime is currently being paid appropriately throughout the Bureau. However, the question of backpay for those inappropriately "capped" in the past is as yet unresolved. Mr. Melton articulated the Union's position that these employees should be made whole. Mr. Joslin agreed, explaining that a systemic analysis and recomputation performed by the National Finance Center (NFC) is critical for the resolution of this problem. He assured the Union officials that the Bureau is working diligently with the NFC to resolve this issue as efficiently as possible.

Action: Human Resources officials will continue to pressure the NFC to perform the necessary analysis and recomputation to resolve the backpay issue regarding the overtime pay cap. This issue will also be discussed at the Human Resources

Conference in two weeks in Baltimore, Maryland.

**Issue: Medical Isolation Rooms at MDC SeaTac**

Discussion: Mr. Borquez stated that, during a tour of the facilities at MDC Seattle/Tacoma in Washington state, he noted that there were no medical isolation rooms for tuberculosis and related diseases. Mr. Chapin responded that Dave Good, National Health Systems Administrator, assured him that two negative pressure rooms for medical isolation purposes are being built at this facility.

Action: Mr. Chapin will inform the appropriate Health Services officials that construction representatives at MDC SeaTac told Mr. Borquez that the medical isolation facilities there are inadequate, and notify the Union of their response.

**Issue: Privatization Videoconference**

Discussion: The Union questioned why the Bureau is funding a Videoconference on privatization if the issue is no longer relevant. Mr. Chapin responded by relating a memo from the National Institute of Corrections (NIC), which presented the videoconference, explaining that the NIC is a separate agency housed in the Bureau and that its mission is to serve federal, state, and local correctional agencies through training, technical assistance, and information dissemination. The videoconference was intended to meet the expressed need of these constituents for unbiased information on this timely, controversial issue and neither represented, rebuked, nor was impacted by the Department of Justice's decision regarding privatization.

Action: Mr. Chapin will request permission to provide the Union with a copy of the aforementioned memo.

**Issue: Discrimination and Retaliation Complaints Processing (P.S. 3713.17)**

Discussion: Mr. Chapin stated that, if the submission of this agenda item represented a formal request for negotiations on this policy, the request was made in an untimely manner. Furthermore, he indicated that there was no evidence that this was a request officially made and endorsed by the "Council of Prison Locals" since it was not signed by the President.

Action: The management officials agreed to listen to the Union's concerns regarding this policy at the next quarterly LMR meeting.

Issue: **Night Differential on Annual and Sick Leave**

Discussion: Mr. Borquez submitted written documentation to Mr. Chapin regarding the Union's concerns that night differential on annual and sick leave is not being paid at a certain facility.

Action: Management will examine the documentation and respond to the Union's concerns.

Issue: **Institution Access for FMCS Mediators**

Discussion: Mr. Borquez stated that mediators from the Federal Mediation and Conciliation Service (FMCS) are being denied access at a particular institution.

Action: The Union officials will educate their locals regarding the protocol of mediation (e.g., local management officials should be involved in the process of requesting a mediator with the Union). Likewise, national management officials will acquaint local management with the mediation process and its usefulness as a means to resolving differences.

Issue: **Local I & I Bargaining**

Discussion: Mr. Borquez stated that local management at a particular institution denied I & I bargaining on a program statement which the local requested to negotiate.

Action: Mr. Borquez will further investigate this matter and provide Mr. Chapin with more detailed information.

Issue: **Incomplete Agenda Items**

Discussion: Mr. Chapin described the difficulties inherent in the submission of incomplete agenda items by the Union for discussion at quarterly LMR meetings. He also stated that the Council should request policy negotiations in a uniform manner,

in accordance with the Master Agreement. The Union explained that the problem of incomplete agenda items is largely due to a scarcity of official time to gather and submit these items in a timely and thorough manner. Mr. Chapin disagreed with this assertion.

Action: The parties agreed on the importance of complete information on agenda items submitted for discussion at national LMR meetings.

Issue: **Attorneys as Designated Representatives**

Discussion: To follow-up and resolve an issue raised at the previous quarterly meeting, Mr. Chapin stated that the Union may name an attorney as the Union's designated representative in an Office of Internal Affairs (OIA) investigation. Since this attorney would function as the Union representative, no other representatives of the Union could be named, and the attorney would have to function and be treated the same as any other designated Union representative.

Issue: **Gordon Graham Training**

Discussion: Mr. Chapin described the training session between the Director, Regional Directors, the Union's Executive Board, and John Sturdivant (the President of the American Federation of Government Employees), which is to be facilitated by Gordon Graham and is scheduled to occur in the near future.

Issue: **Official Time**

Discussion: Mr. Borquez contended that requests for official time by regional vice presidents are being questioned and denied at the local level by first line supervisors. A discussion ensued regarding the most appropriate and productive approach to making such requests.